

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

SEP 26 2018

Clerk, U. S. District Court
Eastern District of Tennessee
At Greeneville

UNITED STATES OF AMERICA)
) No. 2:18-MJ-224
) JUDGE CORKER
v.)
)
NICHOLAS NASSIF HAYEK) TO BE SEALED

CRIMINAL COMPLAINT

I, Bianca Pearson, the complainant in this case, state that the following is true to the best of my knowledge and belief:

COUNT ONE

The United States Attorney charges that on or about May 30, 2018 and for at least the preceding month, in the Eastern District of Tennessee and elsewhere, the defendant, NICHOLAS NASSIF HAYEK, knowingly employed, used, persuaded, induced, enticed, or coerced a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, and NICHOLAS NASSIF HAYEK knew and had reason to know that such visual depictions would have been transported using a facility of interstate and foreign commerce, that is, via the internet in violation of Title 18 United State Code, Section 2251(a) and (e).

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Bianca Pearson, being duly sworn, do hereby state the following:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since August 12, 2012. I am currently assigned to the Johnson City Resident Agency of the Knoxville field office. As a Special Agent, I am a federal law enforcement officer of the United States as defined by Rule 41(a)(2)(C) of the Federal Rules of Criminal Procedure, empowered to enforce criminal laws, make arrests, and serve warrants, pursuant to the Attorney General's Guidelines for Domestic FBI Investigations, I.B.1. and V.A.12., and 18 U.S.C. § 3052. As a Special Agent, I have conducted and participated in a variety of criminal investigations, including investigations associated with violent crimes against children, organized drug enterprises, bank robberies, fugitives, financial crimes, computer crimes, as well as other violent criminal acts.

2. In or about May 2018, the parents of Victim 1—a ten-year-old female who lives with her family in the Eastern District of Tennessee—discovered electronic communications that were sexual in nature between Victim 1 and Nicholas Nassif HAYEK. According to Victim 1's mother, HAYEK enticed Victim 1 to send nude photographs of herself via the Kik application.

3. "During a subsequent child forensic interview, Victim 1 confirmed that HAYEK initially contacted her on Instagram using the Instagram username "#kfcchickengrilled" and later requested that they move their communications to Kik. HAYEK communicated on Kik via username "DearGod" and account name "NTYIOWNU." Victim 1 confirmed that HAYEK asked her to send naked photographs of herself. According to Victim 1, she complied and sent HAYEK multiple photographs that depicted her exposed breasts that she took while in her bathroom.

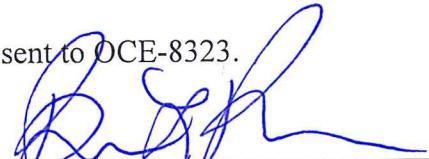
4. On May 21, 2018, May 22, 2018 and May 24, 2018, an FBI employee acting in an undercover capacity (hereinafter “OCE-8323”) assumed the online identity of Victim 1 and engaged in several online conversations with HAYEK via the Kik messenger application. During those online conversations, HAYEK requested nude photographs of OCE-8323 and sent OCE-8323 nude photographs of himself exposing his genitalia. HAYEK also acknowledged that he knew Victim 1 was 10 years old. He further stated his desire to “make love” to Victim 1. Later in the conversations HAYEK instructed OCE-8323 (impersonating Victim 1) how to masturbate.

5. On May 23, 2018, FBI investigators served an administrative subpoena on Facebook for Instagram records pertaining to “#kfcchickengrilled.” On or about June 25, 2018, Facebook providing records relevant to the request. The Facebook records reflected the last used Internet Protocol (“IP”) address resolved back to a Verizon landline. On June 29, 2018, FBI investigators served an administrative subpoena on Verizon seeking subscriber information for the account. Verizon responded with Customer Name: KHAIRALLAH ELHAYEK and Account Address: 29 ROSEWOOD DR, LEOM, MA 01453-0000.

6. Utilizing databases available to law enforcement, agents queried current residents at 29 Rosewood Drive, Leominster, Massachusetts. That search revealed several individuals, including Nickolas Nassif HAYEK, a 20 year old male. Agents obtained HAYEK’s vehicle information through the Massachusetts Registry of Motor Vehicles and observed his vehicle parked outside the 29 Rosewood Drive address. Further agents compared HAYEK’s driver’s license photo to the numerous photos sent via Kik to OCE-8323 and Victim 1. The photos appear to depict the same individual.

7. In June 2018, a Detective with the Royal Canadian Mounted Police ("RCMP") issued a production order to Kik for records pertaining to Kik account "NYTIOWNU" for the time period of May 1, 2018 through May 25, 2018. On July 10, 2018, Kik responded to the RCMP, which forwarded the content to myself. I reviewed that information, including the IP addresses relating to the conversations that occurred in May 2018 between "NYTIOWNU" and Victim 1 and/or OCE-8323. The IP address used by "NYTIOWNU" was the same IP address used by "#kfcchickengrilled" to log on the Instagram account.

8. Kik also provided photographs linked to account "NYTIOWNU." Four color photographs depict Victim 1 completely nude. Dozens of nude photographs of the defendant were also included, some of which were the same photographs sent to OCE-8323.



Special Agent
Federal Bureau of Investigations
Bianca L. Pearson

Sworn to before me and signed in my presence
On September 26, 2018.



CLIFTON L. CORKER
UNITED STATES MAGISTRATE JUDGE